

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Cr. No. 19-1991 KWR

ANTONIO CARRILLO,

Defendant.

**UNOPPOSED MOTION TO DISMISS THE  
SUPERSEDING INDICTMENT WITHOUT PREJUDICE**

The United States, pursuant to Rule 48a of the Federal Rules of Criminal Procedure, respectfully requests this Court dismiss the superseding indictment in this case without prejudice. As this Court has found, Antonio Carrillo (“Defendant”) is not competent to stand trial because he presently suffers from delusional disorder and unspecified neurocognitive disorder. Additionally, he is not restorable to competence because the nature of his diagnoses. Because he is not competent to stand trial, and cannot be restored to competence, the United States respectfully requests the Court dismiss the superseding indictment. The filing of this motion caused a copy to be served on Donald F. Kochersberger III, Esq., counsel for Defendant, who does not oppose it.

Respectfully submitted,

FRED J. FEDERICI  
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*electronically signed October 25, 2021*

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